

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KIM RAGLAND,

Plaintiff,

v.

5:07-CV-0718
(FJS/GHL)

U.S. CONGRESS, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

KIM RAGLAND, 03A1841
Plaintiff *pro se*
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

GEORGE H. LOWE, United States Magistrate Judge

ORDER

On July 24, 2007, Judge Scullin issued an order granting Plaintiff's application to proceed *in forma pauperis*. Judge Scullin noted, however, that Plaintiff's complaint fails to state a cause of action for declaratory relief because Plaintiff does not allege how the statutes that he alleges are unconstitutional have affected him. (Dkt. No. 5 at 2-3.) Judge Scullin ordered Plaintiff to file an amended complaint within 30 days. If Plaintiff failed to do so, Judge Scullin stated that the Court would dismiss the action without further order. (Dkt. No. 5 at 5.)

On August 17, 2007, Plaintiff wrote a letter to the undersigned seeking to amend the complaint. (Dkt. No. 8.) Unfortunately, the letter was not docketed until after the Court dismissed Plaintiff's complaint in accordance with Judge Scullin's July 24, 2007, order. (Dkt.

No. 7.)

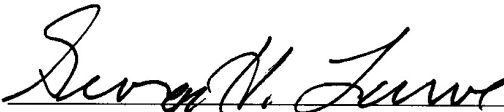
Judge Scullin has referred the matter to me to (1) reopen the case; (2) consider Plaintiff's letter; and (3) give Plaintiff additional time to comply with Judge Scullin's July 24, 2007, order.

ACCORDINGLY, it is hereby

ORDERED that the judgment entered on September 26, 2007 (Dkt. No. 7), is **VACATED** and the case **REOPENED** ; and it is further

ORDERED that Plaintiff shall file an amended complaint within 30 days of the filing date of this order if he wishes to continue with this action. In any amended complaint that Plaintiff files with the Court, he must allege facts demonstrating that a legal controversy exists concerning a pending dispute that requires the Court to determine the constitutionality of the statutes that he seeks to challenge. The amendment proposed in Plaintiff's August 17, 2007, letter is insufficient.

Dated: October 4, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge